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Ministerial Meeting on the Creation
of an Effective United Nations
Crime Prevention and Criminal
Justice Programme
Paris, 21-23 November 1991
Item 5 of the provisional agenda

POSSIBLE NEED FOR A CONVENTION OR OTHER INTERNATIONAL INSTRUMENTS TO DEVELOP THE CONTENT, STRUCTURE AND DYNAMICS OF THE PROGRAMME, INCLUDING MECHANISMS FOR SETTING PRIORITIES, SECURING IMPLEMENTATION AND MONITORING THE RESULTS ACHIEVED, IN PURSUANCE OF GENERAL ASSEMBLY RESOLUTION 45/108

Letter dated 8 November 1991 from the First Alternate Representative of Costa Rica to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a draft resolution for consideration at the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, to be held in Paris from 21 to 23 November 1991.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Ministerial Meeting under item 5 of the provisional agenda.

(Signed) José Maria BORBON
Ambassador
First Alternative Representative

Annex

DRAFT RESOLUTION

The Ministerial Meeting,

Considering the mandate given to it by the United Nations General Assembly in its resolution 45/108 of 14 December 1990 to consider the possible need for a convention relating to the crime prevention and criminal justice programme,

Bearing in mind the recommendation of the interregional preparatory meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders concerning the preparation of a comprehensive international convention on cooperation in criminal justice matters,

Taking into account the results of the meeting of the International Working Group on the Creation of an Effective International Crime and Justice Programme, held at Vienna from 5 to 9 August 1991, which considered and made recommendations for the future of the United Nations Crime Prevention and Criminal Justice Programme and which had before it a draft convention entitled "Draft international convention on cooperation in crime prevention and criminal justice", which was to be transmitted to the Ministerial Meeting, 1/

Having considered the aforementioned draft convention on a preliminary basis,

Recommends that the General Assembly adopt the following draft resolution at its forty-sixth session:

"The General Assembly,

Recalling its resolution 45/108 of 14 December 1990, in which it called upon the Ministerial Meeting to consider the possible need for a convention relating to the crime prevention and criminal justice programme,

Bearing in mind the report of the meeting of the Working Group 2/ containing conclusions and recommendations for the future United Nations Crime Prevention and Criminal Justice Programme,

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1/ A/CONF.156/CRP.1.

2/ A/CONF.156/2.

Reiterating that, once it has been established, the United Nations Commission on Crime Prevention and Criminal Justice will be the appropriate forum for consideration of institutional initiatives relating to such matters,

Recognizing that the adoption of a legal instrument strengthening international cooperation in crime prevention and the treatment of offenders would contribute substantially to facilitating the implementation of activities in this field, particularly in developing countries and organizations of the United Nations system, and would serve to channel cooperation among Governments, intergovernmental and non-governmental organizations and academic and other interested institutions, thereby enhancing the implementation and development of the United Nations Crime Prevention and Criminal Justice Programme",

Recognizing also that the structure of an international legal instrument designed to strengthen international cooperation should be sufficiently flexible to allow each signatory State to be bound on matters of substance only with respect to those issues covered by additional Protocols, which each State may decide to sign on a case-by-case basis,

Considering that the process of preparing a draft convention should be sufficiently exhaustive to allow States the opportunity to discuss it in as much detail as necessary,

Bearing in mind that both the Intergovernmental Working Group and the Ministerial Meeting had before them for examination the draft entitled "International Convention on Cooperation in Crime Prevention and Criminal Justice",

Considering that the United Nations Congresses on the Prevention of Crime and the Treatment of Offenders, including their regional meetings, should contribute to the analysis of institutional and standard-setting initiatives in this field,

1. Invites the Committee for Cooperation on Crime Prevention and Criminal Justice to establish at its first session a working group consisting of five highly qualified persons, taking duly into account equitable geographical representation, to be responsible for preparing a draft convention on international cooperation in crime prevention and criminal justice; the group would meet at least once a year, up to and including 1995, in sessions of five working days and would report initially on its deliberations in a form that would assist the Assembly at its forty-eighth session in 1993 to evaluate the progress achieved in fulfilling the group's mandate and enable the Ninth Congress on the Prevention of Crime and the Treatment of Offenders, including its regional meetings, also to contribute appropriately to the preparation of the above-mentioned draft Convention, with a view to its approval at the fiftieth session of the Assembly;

2. Also invites the Committee to consider whether the working group would use the draft Convention as the basis for its work;

3. Requests the Secretary-General to provide adequate support for the work of the working group and to take practical steps to give effect to this resolution;

4. Also requests the Secretary-General to begin work on the preparation of various draft substantive Protocols relating to crime prevention and criminal justice, which could begin to be considered as soon as the Convention is approved by the Assembly, taking as a basis the model instruments previously approved at United Nations Congresses in this field and the views of States, which will be expressly consulted in this connection;

5. Decides to consider at its forty-eighth session the initial report of the Working Group under the agenda item entitled "Crime prevention and criminal justice".